

REMARKS

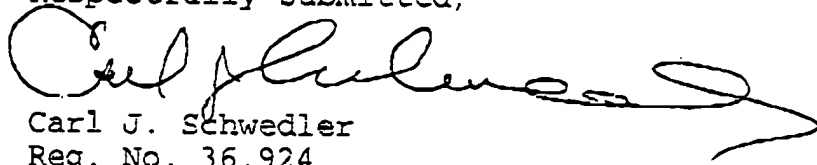
The above amendment returns Claim 20 to its status prior to the last submitted amendment. This amendment is made solely to put the claims into better condition for allowance or appeal. Appeal Brief is submitted herewith. The amendment to Claim 20 introduces no new matter, nor any new issue for appeal, and, as a previously examined claim, clearly does not necessitate a new search.

This amendment was not earlier presented because it was in the Final Office Action that the issue of the declaration and the alleged lack of support for the subject matter introduced into Claim 20 was first cited by the Patent Office as a basis for maintaining the §102(a) rejections.

CONCLUSION

In view of the above, Applicants submit that the instant amendment is proper, and respectfully request entrance prior to consideration of the accompanying appeal brief.

Respectfully submitted,



Carl J. Schwedler
Reg. No. 36,924

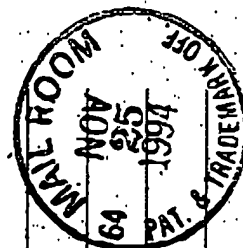
CALGENE, INC.
1920 Fifth Street
Davis, CA 95616
(916) 753-6313

CONFIRMATION OF RECEIPT

CGNE 62-1(1)

USSN 071985.742 **RECEIVED** DEC 05 1994

Contents:

Transmittal letter / Request for
extension of timeAppeal brief in duplicate
AmendmentCheck in the amount of \$1640.00

Placed in U.S. First Class Mail/Express-Mail

Label No.

on November 21, 1994

By:

Phil H. Hester